

Virginia Board of Dentistry

Policy on Sanctioning for Failure to Meet Continuing Education Requirements

Excerpts of Applicable Law, Regulation and Guidance

- The board shall promulgate regulations requiring continuing education for any dental license or reinstatement and may grant extensions or exemptions, §54.1-2709.E
- The board shall promulgate regulations requiring continuing education for any dental license or reinstatement and may grant extensions or exemptions, §54.1-2729
- A minimum of 15 hours of approved continuing education is required annually, 18 VAC 60-20-50.A
- Failure to comply with continuing education requirements may subject the licensee to disciplinary action, 18 VAC 60-20-50.J.
- Confidential Consent Agreements may be used to address continuing education, Guidance Document: 60-1

A. Guideline for Offering a Confidential Consent Agreement

1. A Special Conference Committee (SCC) shall only offer a CCA for a first offense.
2. A SCC shall offer a CCA to a licensee in a case where there is only one finding of probable cause and that finding is that the licensee is unable to document completion of from 1 to 5 hours.
3. In cases where there are findings of probable cause for violations in addition to missing CE, a SCC may offer a CCA consistent with the Policy on CCAs/Confidential Consent Agreements adopted July 11, 2003.
4. The offered CCA shall include a finding that a violation occurred and shall request the licensee's agreement to obtain the missing hours within 60 days and to henceforth comply with the CE requirements. The CCA shall state that the hours obtained pursuant to the CCA shall not count toward the next license renewal.

B. Guidelines for Imposing Disciplinary Sanctions

1. A SCC may offer a Pre-Hearing Consent Order (PHCO) or hold an informal fact finding conference when probable cause is found that the licensee falsely certified completion of the required CE for renewal of his license.
2. A SCC shall offer a Pre-Hearing Consent Order (PHCO) to a licensee for a second offense where there is a finding of probable cause and that finding is that the licensee is unable to document completion of from 1 to 5 hours.

3. A SCC shall offer a Pre-Hearing Consent Order (PHCO) to a licensee for a first offense where there is a finding of probable cause and that finding is that the licensee is unable to document completion of from 6 to 15 hours.
4. In cases where there are findings of probable cause for violations in addition to missing CE, a SCC may offer a PHCO or hold an informal fact finding conference.
5. A SCC shall consider the following sanctioning guidelines:
 - a. For falsely certifying completion for renewal – Reprimand and \$1000 monetary penalty
 - b. For missing 1 to 5 hours – Subsequent Offenses – Reprimand, obtain the missing hours within 30 days and a \$250 monetary penalty for each missing hour
 - c. For missing 6 to 15 hours – First offense - Reprimand and obtain the missing hours within 60 days
 - d. For missing 6 to 15 hours – Subsequent offenses – Reprimand, obtain the missing hours within 30 days and a \$500 monetary penalty for each missing hour